

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

VIRGIL A. STALLONE,

Plaintiff,

v.

BILL BOWYER, et al.,

Defendants.

No. 4:19-cv-1212-JMB

**MEMORANDUM AND ORDER**

This matter is before the Court upon review of a motion filed by plaintiff Virgil A. Stallone. Therein, plaintiff states he moves to “cancel this lawsuit as I have decided not to proceed forward.” (ECF No. 7). The Court construes plaintiff’s motion as a notice of voluntary dismissal filed pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, and will order the dismissal of this case, without prejudice. This dismissal will not count as a “strike” under 28 U.S.C. § 1915(g).


Accordingly,

**IT IS HEREBY ORDERED** that plaintiff’s motion (ECF No. 7) is **GRANTED**.

**IT IS FURTHER ORDERED** that this case is **DISMISSED**, without prejudice. A separate order of dismissal will be entered herewith.

**IT IS HEREBY CERTIFIED** that an appeal from this dismissal would not be taken in good faith.

Dated this 24th day of July, 2019.

  
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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE